

Introduced by Senator Monning

February 22, 2013

An act to add Article 3 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to recreational activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 564, as introduced, Monning. Ski resorts: safety plans: accident reports.

Existing law regulates certain behavior related to recreational activities and public safety, including, among other things, playgrounds and wooden playground equipment.

This bill would require ski resorts, as defined, to prepare an annual safety plan that includes the specification and detailed description of any and all of the resort's safety and accident prevention related management and operational standards, practices, methods and materials, policies, and procedures in specified categories, including the category of natural and manmade hazard warnings, markers, and shielding. The bill would require the safety plan to be posted on the ski resorts Internet Web site, if any, and at a location in the ski resort. The bill would require the ski resort to create monthly and annual reports that include information, of all known deaths and injuries of patrons of the resort. The bill would require the ski resort to make copies of the safety plan and reports available upon request. The bill would protect the documentation and testimony used to prepare the reports from all civil discovery, subpoena, or other demand relating to civil procedure.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 115815) is added to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, to read:

Article 3. Ski Resorts

115815. For the purposes of this article, the following definitions shall apply:

(a) “Ski resort” or “resort” means any ski and other snow sport facility or resort that operates in California.

(b) “Skier day” refers to a ski industry term used to denote utilization of a snow sport resort by a guest who skis or engages in other snow sports during a single calendar day of resort operations. The number of skier days are used to track utilization as well as to normalize other patron volume related statistics over a defined period of resort operations.

(c) “Signage key” means a summary, written or graphic, or both, document that describes the intended meaning or instruction of specific signage shapes, colors, symbols, and language.

115816. A ski resort shall prepare an annual safety plan that conforms with the requirements of federal regulations applicable to ski resorts operating on federal property. In addition to meeting federal requirements, the plan shall include the specification and detailed description of any and all of the resort’s safety and accident prevention related management and operational standards, practices, methods and materials, policies, and procedures in, at a minimum the following categories:

(a) Signage and signage key design, content, and placement.

(b) Padding, fencing, and other impact protection.

(c) Trail intersection design and management, speed and congestion controls, and other collision prevention safeguards.

(d) Natural and manmade hazard warnings, markers, and shielding.

(e) Lift chair design and operation.

(f) Boundary markings, barriers, and exit management.

(g) Terrain park design and operation.

(h) Reckless behavior management.

(i) Accident reporting, tracking, and analysis.

1 (j) Mountain personnel qualifications, staffing, and management.
2 (k) Officer or manager, or both, assignments and accountability
3 for safety and accident prevention.

4 (l) Avalanche prevention and management.

5 (m) Rescue procedures and performance management.

6 (n) Alcohol availability and use limitations.

7 (o) Patron and staff helmet use.

8 (p) Partial and complete closure policies, criteria, and
9 procedures.

10 (q) Child accompaniment and supervision requirements.

11 (r) Rental equipment quality standards and maintenance.

12 (s) Mountain medical facility, if any, staffing, quality of care,
13 oversight, and certification.

14 115817. (a) The ski resort shall post its annual safety plan on
15 its Internet Web site, if one is maintained, and at a location in the
16 ski resort where it can be viewed by the public.

17 (b) The ski resort shall make copies of its annual safety plan
18 immediately available to any person who requests it at the ski
19 resort during its regular hours of operation, and mail or e-mail
20 copies of the plan within three business days of a request by phone,
21 Internet, or mail. The resort may charge for any postage and a
22 per-page copying fee, not to exceed the usual and customary charge
23 of public libraries in the area of the resort.

24 115818. (a) (1) By the 15th calendar day after the end of each
25 full or partial calendar month of operation, the ski resort shall
26 create a report of all known deaths and injuries of patrons of the
27 resort that occur either on site or off site if the off site injury or
28 death involved voluntarily or involuntarily egress out of the resort
29 boundaries. The report shall not include a victims identity. The
30 report shall include all the following information for each death
31 or injury if available:

32 (A) Age and sex of the victim.

33 (B) Type of recreational activity and equipment.

34 (C) Date, time, and location.

35 (D) Ambient and surface conditions.

36 (E) Apparent mechanism of injury.

37 (F) Apparent location of injuries.

38 (G) Apparent nature of injuries.

39 (H) Consciousness and alertness of the victim.

40 (I) Injury severity score.

1 (J) Mode of transportation used to move the person from the
2 resort.

3 (2) The monthly report shall include the number of skier days
4 for the month.

5 (b) Within 60 calendar days of the end of its operation for a
6 season, the resort shall prepare a summary annual report that, at a
7 minimum, includes for the most recent past season a summary of
8 all of the following:

9 (1) The total number of deaths and injuries, as described in
10 paragraph (1) of subdivision (a), that occurred.

11 (2) The total number of ambulance, ground, and air transports
12 from the resort.

13 (3) The total number of skier days for the season.

14 (c) The ski resort shall make copies of the monthly and annual
15 reports immediately available to any person who requests them at
16 the ski resort during its regular hours of operation and mail or
17 e-mail copies of the reports within three business days of a request
18 by phone, Internet, or mail. The resort may charge for any postage
19 and a per-page copying fee, not to exceed the usual and customary
20 charge of public libraries in the area of the resort.

21 115819. Any documentation or testimony used by the ski resort
22 to create the reports prepared pursuant to Section 115818 shall be
23 protected from all civil discovery, subpoena, or other demand
24 relating to civil procedure.

25 115820. This article does not change existing state, local, and
26 case law with respect to the application of the assumption of risk
27 doctrine to participants in recreational activities at ski resorts in
28 the state.